

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

MAR 22 2013

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SECURITIES AND EXCHANGE  
COMMISSION,

Civil Case No. 12-CV-1065  
(ADS)(ETB)

LONG ISLAND OFFICE

Plaintiff,

v.

BRIAN RAYMOND CALLAHAN,  
HORIZON GLOBAL ADVISORS LTD.,  
HORIZON GLOBAL ADVISORS LLC,  
DIVERSIFIED GLOBAL INVESTMENTS  
(BVI), L.P., THE MASTERS GLOBAL  
FUND, L.P., FIDUCIARY SELECT INCOME  
FUND, L.P., HORIZON MILLENNIUM  
INVESTMENTS, L.P., PANGEA  
OFFSHOREHIGH YIELD PORTFOLIO,  
LLC, ADAM MANSON, DISTINCTIVE  
INVESTMENTS LLC, and DISTINCTIVE  
VENTURES LLC,

**NOTICE OF REQUEST FOR  
APPROVAL OF HAGUE  
CONVENTION EVIDENCE  
REQUEST**

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ APR 08 2013 ★

LONG ISLAND OFFICE

Assigned to:

Hon. Arthur D. Spatt, U.S.D.J.  
Hon. E. Thomas Boyle

Defendants.

SHERI MANSON CALLAHAN,

Relief Defendant.  
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**NOTICE OF REQUEST FOR APPROVAL  
OF HAGUE CONVENTION EVIDENCE REQUEST  
(ABM CORPORATE SERVICES BVI LTD.)**

Steven Weinberg, as the court appointed Receiver (the "Receiver") for Horizon Global Advisors Ltd. ("HGA LTD"), Horizon Global Advisors LLC ("HGA LLC"), Diversified Global Investments (BVI), L.P. ("Diversified Global") and formerly known as Horizon Global Investments, L.P. ("Horizon Global"), The Masters Global Fund, L.P. ("Masters Global"), Fiduciary Select Income Fund, L.P. ("Fiduciary Select") and formerly known as Pangea Bridge Investment, L.P. ("Pangea Bridge"), Horizon Millennium Investments, L.P. ("Horizon

Millennium”), and Pangea Offshore High Yield Portfolio, LLC (“Pangea Offshore”), respectfully requests that the Court sign and approve the attached Request for International Judicial Assistance pursuant to the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters (the “Hague Request”).

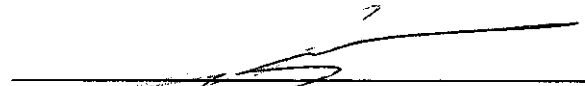
The subject request is made in connection with carrying out the Receiver’s Court ordered duties to locate and marshal assets of the Receivership, as well as obtain the books, records and information concerning HGA Ltd., HGA LLC, Diversified Global, Horizon Global, Masters Global, Fiduciary Select, Pangea Bridge, Horizon Millennium and Pangea Offshore (collectively, the “Receivership Entities”). The Receiver is seeking production of certain books, records and documents from ABM Corporate Services BVI Ltd. (“ABM”), who served as a corporate services provider for one or more of the Receivership Entities. As the Receiver of these Receivership Entities, the Receiver is entitled to seek and retains the legal right to obtain copies of these books, records and documents, to the extent any pertain to the Receivership Entities As the Receiver of these Receivership Entities, the Receiver is entitled to seek and retains the legal right to obtain copies of these books, records and documents, to the extent any pertains to the Receivership Entities. Pursuant to this Court’s Orders, Defendant Callahan was directed and obligated to turn over these books, records and documents to the Receiver, but despite repeated demands, has failed to do so.

ABM is an entity that is organized under the laws of the British Virgin Islands, and located and domiciled in the British Virgin Islands, and therefore, has declined to voluntarily recognize this Court’s Orders and comply with the Receiver’s demands and request to turnover books, records and information for the Receivership Entities. Though not an exclusive method, the Hague Convention is an appropriate and tested method for pursuing the production of these

books, records and information from foreign entities such as ABM. The information sought is needed to identify and locate the assets, books and records of the Receivership Entities, cannot be obtained within the United States, and other alternatives, to the extent that they exist and are available, have been pursued to no avail, and are exhausted. If the Receiver cannot obtain and access such information, its ability to effectively locate and marshal the Receivership Assets will be greatly debilitated. For the foregoing reasons, the Receiver requests that the Court sign and approve the attached Hague Request (*See Appendix*), so that the Receiver's requests for documents and information to ABM may proceed under the Convention.

Dated: New York, New York  
March 20, 2013

Respectfully submitted,



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STEWART W. LEE  
Gottesman, Wolgel, Malamy,  
Flynn & Weinberg, P.C.  
11 Hanover Square, 4<sup>th</sup> Floor  
New York, New York 10005  
Tel.: (212) 495-0100  
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E-Mail: [slee@gottesmanlaw.com](mailto:slee@gottesmanlaw.com)

*Attorneys for the Receiver  
of Horizon Global Advisors, Ltd.,  
Horizon Global Advisors LLC, Diversified  
Global Investments (BVI), L.P. and formerly  
known as Horizon Global Investments, L.P.,  
The Masters Global Fund, L.P., Fiduciary  
Select Income Fund, L.P. and formerly  
known as Pangea Bridge Investment, L.P.;  
Horizon Millennium Investments, L.P., and  
Pangea Offshore High Yield Portfolio, LLC*

TO: DEAN M. CONWAY, ESQ. (with enclosures)  
U.S. Securities and Exchange Commission  
*Attorneys for Plaintiff Securities and Exchange Commission*

100 F. Street, N.E.,  
Washington, D.C. 20549  
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*Attorneys for Defendant Brian Raymond Callahan*  
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ANDREW J. FRISCH, ESQ. (with enclosures)  
Law Offices of Andrew J. Frisch  
*Attorneys for Defendant Adam Manson,  
Distinctive Investments, LLC, and  
Distinctive Ventures, LLC*  
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New York, New York 10038  
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Fax: (646) 304-0352  
E-Mail: afrisch@andrewfrisch.com

MICHAEL TREMONTE, ESQ. (with enclosures)  
Sher Tremonte LLP  
*Attorneys for Defendant Sheri Callahan*  
41 Madison Avenue, 41<sup>st</sup> Floor  
New York, New York 10010  
Tel: (212) 202-2600  
Fax: (212) 202-4156  
E-Mail: mtremonte@shertremonte.com

DAVID CAREY WOLL, ESQ. (with enclosures)

Assistant United States Attorney  
U.S. Attorney's Office  
Criminal Division  
271 Cadman Plaza East  
Brooklyn, New York 11201  
Tel: (718) 254-6241  
Fax: (718) 254-6481  
E-Mail: david.woll@usdoj.gov

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

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SECURITIES AND EXCHANGE  
COMMISSION,

Civil Case No. 12-CV-1065  
(ADS)(ETB)

Plaintiff,

v.

BRIAN RAYMOND CALLAHAN,  
HORIZON GLOBAL ADVISORS LTD.,  
HORIZON GLOBAL ADVISORS LLC,  
DIVERSIFIED GLOBAL INVESTMENTS  
(BVI), L.P., THE MASTERS GLOBAL  
FUND, L.P., FIDUCIARY SELECT INCOME  
FUND, L.P., HORIZON MILLENNIUM  
INVESTMENTS, L.P., PANGAEA  
OFFSHOREHIGH YIELD PORTFOLIO,  
LLC, ADAM MANSON, DISTINCTIVE  
INVESTMENTS LLC, and DISTINCTIVE  
VENTURES LLC,

Defendants.

SHERI MANSON CALLAHAN,

Relief Defendant.

**APPENDIX IN SUPPORT OF  
NOTICE OF REQUEST FOR  
APPROVAL OF HAGUE  
CONVENTION EVIDENCE  
REQUEST**

Assigned to:

Hon. Arthur D. Spatt, U.S.D.J.  
Hon. E. Thomas Boyle

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**APPENDIX IN SUPPORT OF NOTICE OF REQUEST FOR APPROVAL OF HAGUE  
CONVENTION EVIDENCE REQUEST**

*Model for Letters of Request recommended for use in applying the Hague Convention of  
18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters*

**Request for International Judicial Assistance pursuant to the Hague Convention of  
18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters**

*N.B. Under the first paragraph of Article 4, the Letter of Request shall be in the language of the authority requested to execute it or be accompanied by a translation into that language. However, the provisions of the second and third paragraphs may permit use of English, French or another language.*

*In order to avoid confusion, please spell out the name of the month in each date.*

*Please fill out an original and one copy of this form (use additional space if required).*

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|---|--|
| 1. Sender   | Office of the Clerk<br>United States District Court, Eastern District of New York<br>225 Cadman Plaza East<br>Brooklyn, New York 11201<br>PH: (718) 613-2600   |
| 2. Central Authority of<br>the Requested State  | The Registrar of the Supreme Court<br>c/o Sonya Young<br>Registrar, High Court<br>P.O. Box 418, Road Town,<br>Tortola, British Virgin Islands  |
| 3. Person to whom the<br>executed request is<br>to be returned  | Stewart W. Lee, Esq.<br>Gottesman, Wolgel, Malamy, Flynn & Weinberg, P.C.<br>11 Hanover Square, 4th Floor<br>New York, New York 10005<br>PH: (212) 495-0100  |
| 4. Specification of the date by which the requesting authority requires receipt of the<br>response to the Letter of Request |  |
| Date  | May 22, 2013   |
| Reason for urgency*   | As set forth in detail in Sections 7 and 8, the timely production of the information requested herein is essential (1) to enable the Court and its appointed officer, the Receiver, to prosecute pending liability and/or avoidance claims, and to identify new claims, and (2) more broadly, to enable the Receiver, as an officer of the Court, to carry out his Court-ordered duties. |

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\* Omit if not applicable.

IN CONFORMITY WITH ARTICLE 3 OF THE CONVENTION, THE UNDERSIGNED APPLICANT HAS THE HONOUR TO SUBMIT THE FOLLOWING REQUEST:

- |      |   |  |
|------|---|--|
| 5. a | Requesting judicial authority (Article 3,a))  | United States District Court,<br>Eastern District of New York<br>225 Cadman Plaza East<br>Brooklyn, New York 11201<br>PH: (718) 613-2600   |
| b    | To the competent authority of (Article 3, a)) | The Registrar of the Supreme Court<br>c/o Sonya Young<br>Registrar, High Court<br>P.O. Box 418, Road Town,<br>Tortola, British Virgin Islands  |
| c    | Names of the case and any identifying number  | Securities and Exchange Commission vs. Brian Raymond Callahan et al.; Civil Action No. 12-CV-1065 (ADS); Pending in the United States District Court for the Eastern District of New York. |
6. Names and addresses of the parties and their representatives (including representatives in the requested State\*) (Article 3, b))
- |   |                 |  |
|---|-----------------|--|
| a | Plaintiff       | Securities and Exchange Commission. (It should be noted that this request is being made by a Court-appointed Receiver, see section 6.c. below.)                            |
|   | Representatives | Dean M. Conway, Esq.<br>U.S. Securities and Exchange Commission<br>100 F St., N.E., Washington, DC 20549-4010<br>PH: (202) 551-4412; conwayd@sec.gov                       |
| b | Defendant       | Brian Raymond Callahan et al. see Exhibit 1.   |
|   | Representatives | Robert Knuts, Esq. - Park & Jensen LLP<br>Attorney for Brian Raymond Calahan<br>630 Third Avenue, New York, New York 10017<br>PH: (646) 200-6330; rknuts@parkjensen.com    |
| c | Other parties   | Steven Weinberg, Esq., Court-Appointed Receiver.   |
|   | Representatives | Gottesman, Wolgel, Malamy, Flynn & Weinberg, P.C.<br>Stewart W. Lee, Esq.<br>11 Hanover Square, 4th Floor, New York, NY 10005<br>PH: (212) 295-0100; slee@gottesmanlaw.com |

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\* Omit if not applicable.



7. a	Nature of the proceedings (divorce, paternity, breach of contract, product liability, etc.) (Article 3, c))	This request arises from a receivership instituted under the laws of the United States of America as part of an action filed by the Securities and Exchange Commission and described in Paragraph 5.c. above.
b	Summary of complaint	Receivership of Horizon Global Advisors, Ltd., Horizon Global Advisors, LLC, Diversified Global Investments (BVI), L.P., The Masters Global Fund, L.P., Fiduciary Select Income Fund, L.P., Horizon Millennium Investments, L.P., and Pangea Offshore High Yield Portfolio, LLC.
c	Summary of defence and counterclaim*	
d	Other necessary information or documents*	The Preliminary Injunction Freezing Assets and Granting Other Relief entered by Judge Spatt on March 27, 2012 (the "Receivership Order," attached hereto as Exhibit 3), states that the U.S. District Court for the Eastern District of New York has exclusive jurisdiction over the Receivership Assets. See Exhibit 1.
8. a	Evidence to be obtained or other judicial act to be performed (Article 3, d))	An order directing ABM Corporate Services BVI Ltd., with registered address of PO Box 2283 Columbus Centre, Road Town, Tortola VG1110, British Virgin Islands to produce all documents, information or objects requested in Exhibit 2.
b	Purpose of the evidence or judicial act sought	To identify and locate assets of the Receivership and recover Receivership Property.
9.	Identity and address of any person to be examined (Article 3, e))*	Not applicable.
10.	Questions to be put to the persons to be examined or statement of the subject-matter about which they are to be examined (Article 3, f))*	Not applicable.

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\* Omit if not applicable.

11. Documents or other property to be inspected (Article 3, g))\*

Production of all documents, information or objects requested in Exhibit 2.

12. Any requirement that the evidence be given on oath or affirmation and any special form to be used (Article 3, h))\*

Not applicable.

13. Special methods or procedure to be followed (e.g. oral or in writing, verbatim, transcript or summary, cross-examination, etc.) (Articles 3, i) and 9)\*

Not applicable.

14. Request for notification of the time and place for the execution of the Request and identity and address of any person to be notified (Article 7)\*

Notification of the time and place where the documents will be produced, shall be sent directly to:  
Gottesman, Wolgel, Malamy, Flynn & Weinberg P.C.,  
Attn: Stewart W. Lee, Esq.  
11 Hanover Square, Fourth Floor  
New York, New York, 10005  
PH: (212) 495-0100  
Facsimile: (212) 480-9297  
Email: slee@gottesmanlaw.com

15. Request for attendance or participation of judicial personnel of the requesting authority at the execution of the Letter of Request (Article 8)\*

Not applicable.

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\* Omit if not applicable.

16. Specification of privilege  
or duty to refuse to give  
evidence under the law of  
the State of origin  
(Article 11, b))\*

Not applicable.

17. The fees and costs incurred  
which are reimbursable under  
the second paragraph of  
Article 14 or under  
Article 26 of the Convention  
will be borne by\*

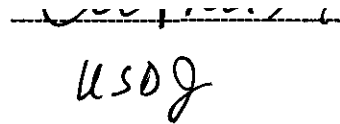
The Receiver through:  
Gottesman, Wolgel, Malamy, Flynn & Weinberg  
P.C.,  
11 Hanover Square, Fourth Floor  
New York, New York, 10005  
PH: (212) 495-0100  
Facsimile: (212) 480-9297

DATE OF REQUEST

March 20, 2013

SIGNATURE AND SEAL OF THE  
REQUESTING AUTHORITY

/s/ Arthur D. Spatt

 4/8/13

Erase all entries

Print

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\* Omit if not applicable.